HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.20439 of 2003

-
-

Between:

Mohd. Moin …Petitioner.

And

The Divisional Co-operative Officer, Charminar Division, Hyderabad and two others. ...Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri R. N. Hemendranath Reddy

1st May, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has made the following substantive prayer:

> "……it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of writ of mandamus declaring that the Award passed by the 1st respondent in ARC.No.443/2002 dt.28-2-

2002 and the consequential sale notice dt.1-8-2003 in E.P.No.53/2003 are illegal, unjust, void ab initio and contrary to law as the same are issued without power, authority or jurisdiction in view of the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and pass such other order or orders as are deemed fit and proper."

At the hearing, learned counsel for the petitioner stated that in view of the judgment of the Supreme Court in **Greater Bombay Co-operative Bank Ltd. v. M/s. United Yarn Tex. Pvt. Ltd.**[1], the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, WPMP.No.25588 of 2003 filed by the petitioner for interim stay is also dismissed and the interim order is vacated.

G.S.SINGHVI, C.J.

1st May, 2007

C.V.NAGARJUNA REDDY, J.

ARS

---

[1] (2007) 3 SCJ 415